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January 26, 2022

Hon. Arlene R. Lindsey
United States Magistrate Judge
Alphonse M. D'Amato United States Courthouse
100 Federal Plaza
Central Islip, New York 11722

Re: *United States v. Aventura Technologies, Inc., et al.*
Dkt.: 19 Cr 582 (DRH)(ARL)

Dear Judge Lindsey:

Aventura Technologies, Inc. respectfully submits this letter brief in support of its motion, and in reply to the government's letter brief in opposition to, for the release of untainted funds, seized by the government, so that these funds may be used for the legal defense of Aventura and employee defendants of Aventura in the above matter. As criminal defense counsel for Aventura in this matter, I am familiar with the facts and circumstances of this matter and the need of the corporate defendant to defend itself against the allegations of the indictment.

The facts and circumstances of the seizure of the corporate assets are not in dispute: prior to the filing of criminal charges against any individual or the corporate defendant, the government sought an *ex parte* order to seize bank accounts and other assets owned by the corporation. As there was no notice provided by this request, Aventura could not defend itself against the allegations contained in the request. A judge of this Court granted the order and more than \$1.8 million was taken from the corporate bank accounts, which represented the entirety of the corporate cash holdings. Following the obtaining of the order, the individual defendants in this case were arrested, the seizure orders were executed, and the defendants were arraigned on the indictment. Each defendant and the corporation then entered "Not Guilty" pleas.

As Aventura has no assets to defend itself, and all corporations must be defended in court by counsel, Jack Cabasso hired counsel to defend Aventura. Aventura has outstanding collectibles from vendors (in an amount exceeding \$600,000) but these vendors were directed by agents of the government

to not pay their debts, or to cancel payments already tendered to Aventura. (See Affidavit of Samuel M. Braverman and attached exhibits). This combination of loss of assets already held and interference with assets to be collected has strangled Aventura's ability to defend itself in Court.

Aventura moved for a hearing pursuant to *Kaley v. United States*, 571 U.S. 320 (2014) and *Luis v. United States*, 136 S.Ct. 1083 (2016) to determine which of the assets seized were derived from criminal sources and were thus "tainted" and which assets were not derived from criminal sources and were "untainted" and thus subject to return to Aventura for use in its defense. The government responded, citing cases which predate *Kaley* and *Luis*, are opposite to the facts of this case, and ignore the nature of the request actually made to this Court. For the reasons stated in its original moving papers, the points *conceded* by the government in its answer, the objective facts contained in the attached exhibits, and the legal arguments in the attached memorandum of law, this Court should conduct a hearing to segregated the seized assets into "tainted" and "untainted" funds and return the "untainted" funds to Aventura immediately so that they may be used for its legal defense.

Respectfully submitted,

Sam Braverman

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Cc: All Parties (By ECF)
Encl.: Affirmation of Samuel M. Braverman, Esq (with exhibits)
Memorandum of Law in Support of Aventura's Motion